REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-20 are pending. Claims 9 and 10 have been withdrawn. Claims 1-8 and 11-20 have been amended. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Drawings

Applicants note that the Examiner has neither accepted nor objected to the drawings on the Office Action Summary sheet. As such, Examiner is requested to accept the drawings on the Office Action Summary sheet, if applicable.

Claim Rejections under 35 U.S.C. §103

Claims 1-4, 7, 8, 11-13 and 17-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kondo et al. ("Kondo", JP 09-235617). This rejection is respectfully traversed.

Kondo discusses a manufacturing method of seamless steel tubes to be used as a line pipe. However, the chemical composition of the current claim set is clearly different than that claimed in Kondo.

In fact, someone of ordinary skill in the art should recognize that a minor change in chemistry can produce a great effect in the results. Moreover, according to § 716.02(a) of the MPEP:

> Evidence of unobvious or unexpected advantageous properties, such as superiority in a property the claimed compound shares with the prior art, can rebut *prima facie* obviousness. "Evidence that a compound is unexpectedly superior in one of a spectrum of common properties . . . can be enough to rebut a *prima facie* case of obviousness." No set number of examples of superiority is required. *In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987)

As noted on Pages 1-2 of the Applicants' Specification, restricted dimensional tolerances, mechanical properties of uniform resistance and high tenacity to prevent cracking in the metal base as well as in the heat affected zone, are the principal characteristics of this kind of tubing. The present invention, however, provides steel with good mechanical strength, good toughness and which is corrosion resistant, more specifically to heavy gauge seamless steel tubing, with good mechanical strength, good toughness to prevent cracking in the metal base as well as in the heat affected zone, and corrosion resistance (*See Applicants' Specification, Page 1*).

The Applicants note that the oil industry has found it necessary to use alloys of steel which allow for obtaining better properties than those used in the past (*See Applicants' Specification, Page 2*). It is also well known that there is a challenge to be met the obtaining of a material which provides an acceptable balance among the various properties (*See Applicants' Specification, Page 2*).

The chemical composition as currently claimed provides high mechanical resistance at room temperature and up to 130°C, high toughness, low hardenability, resistance to corrosion in mediums which contain H_2S and high values of tenacity in terms of resistance to the advancing of fissures in the HAZ evaluated by the CTOD test (Crack Tip Opening Displacement). The claimed composition provides a product which possesses an acceptable balance of the above mentioned qualities and which complies with the requirements which a conduit for carrying fluids under high pressure, that is, above 680 atm, should have. The claimed composition also provides a product which possesses a good degree of resistance to high temperatures. The claimed composition also provides a heat treatment to which a seamless tube would be submitted which promotes the obtaining of the necessary mechanical properties and resistance to corrosion.

In fact, on Pages 8-13 of the Applicants' Specification, each specific range of each chemical of the chemical composition is clearly described. Moreover, each acceptable range of each chemical is discussed relating to each superior property. Thus, the claimed chemical composition has "unobvious or unexpected advantageous properties, such as superiority" and according to § 716.02(a) of the MPEP, this showing rebuts a prima facie case of obviousness set forth by the Examiner. Therefore, for at least the reasons stated above, independent claim 1 is

patentably distinct from Kondo. Claims 2-4, 7, 8, 11-13 and 17-20 are at least allowable by virtue of their dependency on corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 1-4, 7, 8, 11-13 and 17-20 based on Kondo.

Claim Rejections under 35 U.S.C. §103

Claims 5, 6 and 14-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kondo et al. ("Kondo", U.S. 09-235617) in view of Howells ("*Challenges for Ultra-Deep Water Riser Systems*"). This rejection is respectfully traversed. Howells does not remedy the noted deficiencies of Kondo and thus cannot correct the defects of the Examiners rejection based solely on Kondo.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 5, 6 and 14-16 based on Kondo and Howells.

CONCLUSION

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charu K. Mehta, Reg. No. 62,913, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 9, 2009

Respectfully submitted,

By _____

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